

114TH CONGRESS
2D SESSION

H. J. RES. 104

Proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct election of the President and Vice President of the United States.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2016

Mr. COHEN submitted the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct election of the President and Vice President of the United States.

Whereas the Founders of the Nation established the electoral college in an era of limited nationwide communication and information sharing;

Whereas the electoral college is premised on an antiquated theory that citizens will have a better chance of knowing about electors from their home States than about Presidential candidates from out of State;

Whereas the development of mass media and the Internet has made information about Presidential candidates easily ac-

cessible to United States citizens across the country and around the world;

Whereas citizens now have a far better chance of knowing about out-of-State Presidential candidates than about Presidential electors from their home State;

Whereas Thomas Jefferson wrote, “I am not an advocate for frequent changes in laws and constitutions, but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain ever under the regimen of their barbarous ancestors.”;

Whereas since the Nation’s founding, United States citizens have amended the Constitution to expand the opportunity for citizens to directly elect their elected leaders;

Whereas the 15th Amendment guarantees the right of all citizens to vote regardless of race;

Whereas the 19th Amendment guarantees the right of all citizens to vote regardless of gender;

Whereas the 26th Amendment guarantees the right of all citizens 18 years of age and older to vote regardless of age;

Whereas the 17th Amendment establishes both a precedent and a preference for the direct election of citizens’ elected representatives; and

Whereas the electoral college has become an anachronism:
Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled*
3 *(two-thirds of each House concurring therein),* That the fol-
4 lowing article is proposed as an amendment to the Con-
5 stitution of the United States, which shall be valid to all
6 intents and purposes as part of the Constitution when
7 ratified by the legislatures of three-fourths of the several
8 States:

9 “ARTICLE —

10 “SECTION 1. The President and Vice President shall
11 be elected by the people of the several States and the dis-
12 trict constituting the seat of government of the United
13 States.

14 “SECTION 2. The electors in each State shall have
15 the qualifications requisite for electors of the most popu-
16 lous branch of the legislature of the State; although Con-
17 gress may establish uniform age qualifications.

18 “SECTION 3. Each elector shall cast a single vote for
19 two persons who have consented to the joining of their
20 names as candidates for President and Vice President. No
21 elector shall be prohibited from casting a vote for a can-
22 didate for President or Vice President because either can-
23 didate, or both, are inhabitants of the same State as the
24 elector.

1 “SECTION 4. The pair of candidates having the great-
2 est number of votes for President and Vice President shall
3 be elected.

4 “SECTION 5. The times, places, and manner of hold-
5 ing such elections and entitlement to inclusion on the bal-
6 lot shall be determined by Congress.

7 “SECTION 6. The Congress may by law provide for
8 the case of the death or any other disqualification of any
9 candidate for President or Vice President before the day
10 on which the President-elect or Vice President-elect has
11 been chosen; and for the case of a tie in any election.

12 “SECTION 7. This article shall take effect one year
13 after the first day of January following ratification.”.

○